

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13454 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ATUL BIPINBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR RC KODEKAR for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/04/2001

ORAL JUDGEMENT

#. This matter is identical to the matter decided today,
i.e. special civil application No.12752/2000. The
detaining authority is same and identical contention has
been raised. Here also, identical verification is there
justifying claiming of privilege under Section 9(2) of

the Act not to disclose the identity of secret witnesses.

#. This matter is squarely covered by decision of Division Bench of this Court in the case of Kalidas Chandubhai Kahar reported in 1993(2) GLR 1659 and that of learned Single Judge (Coram: M.R.Calla, J.) in the case of Ranubhai Bhikhabhai Bharwad (Vekaria) v. State of Gujarat & Ors. reported in 2000(3) GLR 2696 and accordingly the continuous detention of the petitioner is illegal.

#. In the result, this petition succeeds and the same is allowed and the order of detention of the petitioner dated 22.11.2000 is quashed and set aside. The petitioner - Atulbhai Bipinbhai Patel, the the detenu, at present at Jamnagar Jail, Jamnagar, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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(sunil)